

ALEX G. TSE (CABN 152348)
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

BENJAMIN KINGSLEY (CABN 314192)
GREGG W. LOWDER (CABN 107864)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7044
FAX: (415) 436-7234
Gregg.Lowder@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 15-0518 MMC
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	UNDER F.R.C.P. RULE 36 TO ISSUE
v.)	AMENDED JUDGMENT THAT INCLUDES
)	FORFEITURE OF 54' HYLAS YACHT AS
ROBERT JACOBSEN,)	ORDERED AT SENTENCING
)	
Defendant.)	
)	
)	

On June 26, 2018, the Court entered a Preliminary Order of Forfeiture forfeiting to the United States the following asset, subject to third party claim procedures outlined in Federal Rule of Criminal Procedure 32.2:

- one 54' Hylas sailboat, bearing the names "Swept Away," "Alcyone," or "B'ANN," with Hull Identification Number HSY54037J405, and Official Number 1166171, located and seized by agents at a marina in Beaufort, North Carolina, on November 18, 2015.

Dkt. 167.

The order followed and resulted from the defendant Robert Jacobsen's guilty pleas and his admissions and agreements in his plea agreement. Dkt. 135, 136.

1 On September 4, 2018, the Court sentenced the defendant. Dkt. 182. At the sentencing hearing,
2 the Court orally announced its order of forfeiture of the above described 54' Hylas sailboat.

3 On September 6, 2018, Judgment was entered on the docket. Dkt. 183. The Judgment did not
4 reflect the Court's order of forfeiture of the 54' Hylas sailboat.

5 F.R.Crim.P. Rule 32.2(b)(4)(B) provides that the Court's forfeiture order be orally announced at
6 sentencing (or otherwise to notify the defendant) and that the Court "include the forfeiture order, directly
7 or by reference, in the judgment, but the court's failure to so may be corrected at any time under Rule
8 36."

9 F.R.Crim.P. Rule 36 provides, "After giving any notice it considers appropriate, the court may at
10 any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the
11 record arising from oversight or omission."

12 The parties hereby stipulate that the omission of the Court's forfeiture order from the Judgment
13 meets the definition of a clerical error and an error in the record arising from an oversight and omission
14 under F.R.Crim.P. Rule 36, and the parties respectfully request that the Court order an Amended
15 Judgment be issued that includes its order at the sentencing hearing of forfeiture of the above-described
16 54' Hylas sailboat.

17 **IT IS SO STIPULATED.**

18 Date: 09/11/18

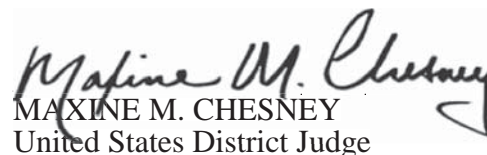
/S/ *Kenneth H. Wine*
Kenneth H. Wine, Esq.
Attorney for Defendant Robert Jacobsen

21 Dated: 09/11/18

/S/ *Gregg W. Lowder*
Gregg W. Lowder
Assistant United States Attorney

23 **IT IS SO ORDERED.**

24 Dated: September 11, 2018


MAXINE M. CHESNEY
United States District Judge